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PTO/SB/33 (07/05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ITO.0047US (P16202)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR on <u>July 5, 2006</u> Signature <u>Cynthia L. Hayden</u> Typed or printed name <u>Cynthia L. Hayden</u>		Application Number 10/633,874	Filed August 4, 2003
		First Named Inventor Brian G. Johnson	
		Art Unit 2826	Examiner Thomas L. Dickey
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.  This request is being filed with a notice of appeal.  The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>28,994</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature <u>Timothy N. Trop</u> Typed or printed name <u>(713) 468-8880</u> Telephone number <u>July 5, 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☒ \*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Brian G. Johnson

Serial No.: 10/633,874

Filed: August 4, 2003

For: Lateral Phase Change  
Memory

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Art Unit: 2826

Examiner: Thomas L. Dickey

Docket: ITO.0047US  
P16202

Assignee: Intel Corporation

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF**  
**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Pre-appeal review is requested because the construction of the reference posed in the office action is unsupportable.

Referring, for example, to the cover of the cited Lowrey patent application, it is the Examiner's position that the memory material 250, situated on top of the two pillar like electrodes 130a and 130b, is between those electrodes. Under any reasonable reading of "between," the memory element 250 is on top of those electrodes, not between them.

The point of the present application is to claim a horizontal or lateral memory element in which the electrodes are horizontally spaced and the phase change material is in between. The cited Lowrey reference is a conventional vertical structure.

Date of Deposit: July 5, 2006

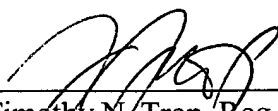
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*Cynthia L. Hayden*  
Cynthia L. Hayden

Therefore, reconsideration for at least this reason would be appropriate.

Respectfully submitted,

Date: July 5, 2006



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